


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 140/2024


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	14.02.2024	<p>The application for restoration of Service Appeal No. 1729/2023 submitted today by Malik Shahbaz Khan Advocate. It is fixed for hearing before Single Bench at Peshawar on _____. Original file be requisitioned. Parcha Peshi is given to counsel for the applicant.</p> <p>By the order of Chairman  REGISTRAR</p>

The restoration application in appeal no. 1729/2023 received today i.e. on 12.02.2024 is returned to the counsel for the applicant with the following remarks.

Application is not on proper format.

No. 310 /S.T,

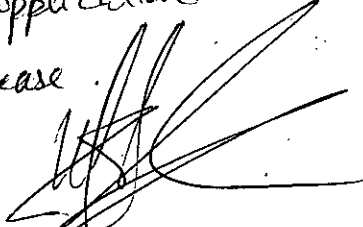
Dt. 14/2 /2024.



REGISTRAR
KHYBER PAKHTUNKWA
SERVICE TRIBUNAL
PESHAWAR

Malik Shahbaz Khan Adv.
High Court Peshawar.

Note: Addresses of respondents may kindly be considered from the memo of appeal, Annexed on Page No-5 of application. May kindly be fixed, please.



Malik Shahbaz Khan
Advocate HC
14-02-2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

RA No. =
No. 140 /2024

In Ref:

Appeal No. 1729/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11081

Dated 12-01-2024

Muhammad Ishaq

.... Applicant / Appellant

VERSUS

Government of KPK etc

.... Respondents

**APPLICATION FOR THE RESTORATION OF INSTANT
APPEAL WHICH WAS DISMISSED IN DEFAULT ON DATED
16-01-2024 AND AFTER HEARING, DECIDE THE APPEAL ON
MERITS IN THE INTEREST OF JUSTICE**

Respectfully Sheweth:

1. That on 20-12-2024, Junior Counsel / Assistant for the appellant's counsel attends the honorable court and after proceedings, reader of the court instructed him that the next date in the instant appeal would be 29-01-2024, which he has duly been noted in our daily dairy.
(Copy of relevant page is attached Annex-A)
2. That when counsel for appellant appeared on the above-mentioned instructed date i.e 29-01-2024, it was quite shocking that the appeal in hand was dismissed on non-prosecution on 16-01-2024, however, on the same day counsel for appellant in hurry applied and received the attested copy of the order.
(Copy of order is attached as Annex-B)

3. That the absence of the counsel for appellant was neither willful nor intentional but due to reason mentioned.
4. That valuable rights of the appellant are involved in the instant appeal and law demands the decisions of the case on merits, rather declaring the same on mere technicalities.
5. That the law otherwise favours decision on merit as the case of the appellant was not decided on merits, therefore, the according to law and equity on the subject matter, the case of the appellant may be restored to decide it on its own merits.

It is, therefore, respectfully prayed that by accepting this application, the case may kindly be restored and fixed the dated for hearing.

Through

Applicant/ Appellant

Malik Shahbaz Khan
Advocate High Court

Dated: 30-01-2024

AFFIDAVIT:

It is solemnly affirm and **declare on oath** that the contents of application are true and correct and nothing has been concealed from this honorable court.



Deponent

2024	January 2024	January	S	M	T	W	T	F	S
			1	2	3	4	5	6	
			7	8	9	10	11	12	13
			14	15	16	17	18	19	20
			21	22	23	24	25	26	27
			28	29	30	31			

26 Friday
14 Rajab

باجا الوار (ص) ١٦ من رجب ١٤٤٥ هـ
Subhi Mufasid

2024	January 2024	January	S	M	T	W	T	F	S
			1	2	3	4	5	6	
			7	8	9	10	11	12	13
			14	15	16	17	18	19	20
			21	22	23	24	25	26	27
			28	29	30	31			

Monday 29
17 Rajab

KPST Got (ص) ١٧ من رجب ١٤٤٥ هـ
٩ من رجب ١٤٤٥ هـ

27 Saturday
15 Rajab

3٢ انبار (ص) ١٨ من رجب ١٤٤٥ هـ

Tuesday 30
18 Rajab

BC ١١٦٤ من رجب ١٤٤٥ هـ

ATTES

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2024



January 2024

January						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

12 Friday 30 J. Sani

Blank lined area for notes on Friday, January 12.

13 Saturday 01 Rajab

Sunday 02 Rajab 14

30/1 HC Hbl p ...
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January						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

January 2024



2024

Monday 15 03 Rajab

CoL HC (C) ...
 HC ...
 HC ...
 HC ...

Tuesday 16 04 Rajab

HC ...
 Blank lined area for notes on Tuesday.

ATTES

5 AMB

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1729/2023



Muhammad Ishaq
Assistant (BPS-16)

Deputy General Secretary,
Employees Welfare Association, BOR (Ministerial Staff)

Address: Board of Revenue, Civil Secretariat, Peshawar.

..... **Appellant**

VERSUS

1. Government of Khyber Pakhtunkhwa, through **Secretary Revenue and Estate Department**,
Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
2. Government of Khyber Pakhtunkhwa, through **Secretary Establishment Department**,
Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
3. Government of Khyber Pakhtunkhwa, through **Secretary Finance Department**,
Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
4. Government of Khyber Pakhtunkhwa, through **Secretary Law Department**,
Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.

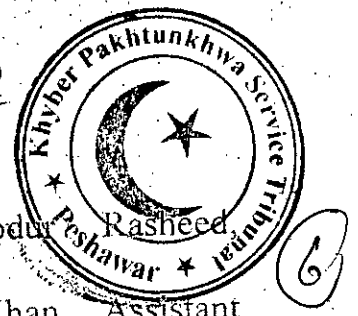
..... **Respondents**

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

[Handwritten signature]

M. Ishaq vs Govt



ORDER
16.01.2024

Nemo. for the appellant. Mr. Abdul Rasheed

Superintendent alongwith Mr. Asad Ali Khan, Assistant Advocate General for official respondents present. Learned counsel for newly impleaded respondents present.

The appeal in hand was called on for hearing after various intervals, however nobody put appearance on behalf of the appellant till rising of the court, therefore, the appeal in hand stand dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
16.01.2024

(Salah-ud-Din)
Member (Judicial)

Certified to be true copy

Naeem Amin

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 29-01-2024
Number of Words Page = 2
Copying Fee 10/-
Urgent 8/-
Total 15/-
Name of Copyiest Shahid
Date of Completion of Copy 29-01-2024
Date of Delivery of Copy 29-01-2024